

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5630 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

VIJAY HATHISING SHAH

Versus

THE STATE OF GUJARAT

Appearance:

MS ARCHANA ACHARYA for Petitioners

MR MUKESH A PATEL, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/10/1999

ORAL JUDGEMENT

The matter is placed on the board on the note filed by the learned counsel for the petitioners and the paragraph 2 thereof reads as under.:

"The ULC Act has now been repealed. It is not in dispute that the possession of the lands in question is not vested in the respondents. Be

pleased therefore to place this note alongwith the papers of the captioned Special Civil Application before the appropriate court to enable the petitioners to obtain appropriate orders in the captioned matter."

The statement made in this paragraph of the note has not been controverted by the learned counsel for the respondents. As a result of the same, averments made that the possession of the disputed lands is with the petitioner is to be accepted and the Special Civil Application abates in view of the Urban Land (Ceiling & Regulation) Repeal Act, 1999. Order accordingly. This Special Civil Application is dismissed as having become abated. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

(S.K.Keshote,J.)

(pathan)